

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARTA WILLIAMS,**  
**290 McCoy Lane**  
**Leesport, PA 19533**

**Plaintiff,**

**V.**

**ABRAHAM INDUSTRIES, INC., t/d/b/a  
VALLEY FORGE FLAG, INC.  
1700 Conrad Weiser Parkway  
Womelsdorf, PA 19567**

**And**

MICHAEL LIBERMAN

**1700 Conrad Weiser Parkway  
Womelsdorf, PA 19567**

**And**

**SCOTT LIBERMAN**

**1700 Conrad Weiser Parkway  
Womelsdorf, PA 19567**

**And**

**GREGORY HARRIS**

**1700 Conrad Weiser Parkway  
Womelsdorf, PA 19567**

## Defendants.

**ANSWER ON BEHALF OF MICHAEL LIBERMAN**

1. Admitted.
2. Admitted.
3. Denied.
4. Admitted that Defendant Michael Liberman was an employee and corporate officer of Valley Forge Flag Company, Inc. (“VFF”) at times material to the Complaint. Except as is specifically admitted in the foregoing, the allegations contained in Paragraph 4 are denied.

5. Admitted that Scott Liberman was an employee and corporate officer of VFF and Ms. Williams' direct supervisor at times material to the Complaint, and that he is a citizen of the Commonwealth of Pennsylvania with a business address at 1700 Conrad Weiser Parkway, Womelsdorf, Pennsylvania. Except is as specifically admitted in the foregoing, the allegations contained in Paragraph 5 are denied.
6. Admitted that Gregory Harris was an employee and corporate officer of VFF at times material to the Complaint, and that he is a citizen of the Commonwealth of Pennsylvania with a business address at 1700 Conrad Weiser Parkway, Womelsdorf, Pennsylvania. Except is as specifically admitted in the foregoing, the allegations contained in Paragraph 6 are denied.
7. Admitted.
8. The allegations in paragraph 8 constitute conclusions of law to which no response is required.
9. The allegations in paragraph 9 constitute conclusions of law to which no response is required. In any event, the Court lacks subject matter jurisdiction over Michael Liberman, or any of the individual defendants, under Title VII.
10. Admitted that if the District Court has jurisdiction, venue is proper.
11. Admitted that Ms. Williams filed a Complaint with the Equal Employment Opportunity Commission ("EEOC") and the Pennsylvania Human Relations Commission. Except as is admitted in the foregoing, Defendant is without knowledge or information sufficient to form a belief as to the date when such charges were filed.

12. Admitted that Ms. Williams filed an Amended Complaint with the EEOC and the Pennsylvania Human Relations Commission alleging retaliation. Except as is specifically admitted in the foregoing, Defendant is without knowledge or information sufficient to form a belief as to the date when such charges were filed.
13. Admitted.
14. Denied.
15. Admitted.
16. Admitted that Ms. Williams was employed by VFF as the Customer Service Manager. Except as is specifically admitted in the foregoing, the allegations as stated in Paragraph 16 are denied.
17. Admitted.
18. Defendant incorporates herein his response to Paragraph 4.
19. Defendant incorporates herein his response to Paragraph 4.
20. Defendant incorporates herein his response to Paragraph 5.
21. Defendant incorporates herein his response to Paragraph 5.
22. Defendant incorporates herein his response to Paragraph 6.
23. Defendant incorporates herein his response to Paragraph 6.

24. Denied that Ms. Williams was subjected to disparate discriminatory or harassing treatment or that she was subjected to a hostile work environment either generally or in the particular respects alleged as follows:

a. Denied.

b. Denied.

c. Denied.

d. Denied.

e. Defendant is without knowledge or information sufficient to form a belief as to what rumors “Ms. Williams heard.” Except as specifically admitted in the foregoing, the allegations contained in paragraph 24(e) are denied.

f. Denied.

g. Denied.

h. Denied.

i. Admitted that at the July 31, 1999 company picnic, Michael Liberman chased Ms. DeLillo, whom he did not know was pregnant, with a water balloon, a number of which she had brought to the picnic for use in games she organized. Except as is specifically admitted in the foregoing, the allegations contained in Paragraph 24(i) are denied.

- j. Admitted that Michael Liberman videotaped portions of the company picnic.  
Defendant is without knowledge or information sufficient to form a belief as to the other allegations contained in Paragraph 24(j).
- k. Denied.
- l. Denied.
- m. Admitted that on occasion, Michael Liberman discussed invoices or other business matters with Ms. Williams in his office. Except as is specifically admitted in the foregoing, the allegations contained in paragraph 24(m) are denied.
- n. Denied.
- o. Admitted that from March through August, 2000, certain e-mails from what appeared to be sexually explicit websites arrived unsolicited in the general e-mail box. Except as specifically admitted in the foregoing, the allegations contained in paragraph 24(o) are denied.
- p. The allegations contained in paragraph 24(p) are directed to parties other than the answering defendant and therefore no response is necessary.
- q. Admitted that on that date, Michael Liberman accessed on the personal computer in his office a photograph which unbeknownst to him printed on a common

printer. Except as is specifically admitted in the foregoing, the allegations contained in Paragraph 24(q) are denied.

r. Admitted that on that date, Michael Liberman accessed on the personal computer in his office a pornographic story which unbeknownst to him printed on a common printer. Except as is specifically admitted in the foregoing, the allegations contained in Paragraph 24(r) are denied.

s. The allegations contained in paragraph 24(s) are directed to parties other than the answering defendant and therefore no response is necessary.

t. Denied.

u. The allegations contained in paragraph 24(u) are directed to parties other than the answering defendant and therefore no response is necessary.

v. Denied.

w. Admitted that counsel sent a copy of a proposed EEOC Charge to counsel for VFF some time in February, 2001 and on April 6, 2001 VFF terminated Ms. Williams' employment as well as the employment of numerous other employees in connection with a corporate restructuring. Except as is specifically admitted in the foregoing, the allegations contained in Paragraph 24(w) are denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied

29. Defendant incorporates herein by reference his responses to Paragraphs 1 through 28 herein above.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Defendant incorporates by reference herein his responses to Paragraphs 1 through 34 herein above.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Defendant incorporates by reference his responses to Paragraphs 1 through 42 herein above.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

WHEREFORE, Defendant Michael Liberman requests that the Court enter judgment in his favor and against Plaintiff on all claims and assess the reasonable costs of the action.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

Plaintiff fails to state a claim upon which relief may be granted.

#### **Second Affirmative Defense**

Plaintiff's claims under both Title VII and the Pennsylvania Human Relations Act are barred by the applicable periods of limitation.

#### **Third Affirmative Defense**



Plaintiff waived any claims of hostile sexual environment through her own conduct.

Fourth Affirmative Defense

Ms. Williams is estopped from making claims of sexual harassment because VFF was prevented from conducting an investigation of her claims unless it agreed to conditions precedent to an interview of the Director of Human Resources insisted upon by the attorney representing both of them, which would have resulted in VFF waiving its attorney-client privilege.

Respectfully submitted,

HOYLE, MORRIS & KERR LLP

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Attorneys for Defendant  
Michael Liberman

Dated: September , 2002

**CERTIFICATE OF SERVICE**

I, Tammi Markowitz, hereby certify that a true and correct copy of the Answer on Behalf of Michael Liberman, was served via hand delivery and United States first-class mail, postage prepaid, this \_\_\_\_th day of September, 2002, upon the following counsel:

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Tammi Markowitz